

JACOBS -- 10/771,543
Attorney Docket: 081589-0307593

REMARKS

Claims 1-13 and 15-21 are pending. By this Amendment claims 1, 5 and 9 are amended; claim 14 is canceled without prejudice or disclaimer; and claims 15-21 are added. Reconsideration in view of the above amendments and following remarks are respectfully requested.

Each of claims 9 and 10 as originally filed includes the limitation that the wheel includes flexible fingers that engage the axle. However, each claim is rejected under a different rejection. Claim 10, along with claims 1-8 and 11-14 are rejected under 35 USC 102(b) as being anticipated by Farris et al. Meanwhile, claim 9 is rejected under 35 USC 103 as being unpatentable over Farris et al. in view of Gehrke. Further, in the rejection to claim 9, the Office Action states that Farris et al. discloses all of the claimed elements "except providing a central portion of the wheel with a plurality of fingers that engage the axle." Thus, by the Office Action's own admission, the rejection of claim 10 as being anticipated by Farris et al. is improper since Farris et al. does not disclose all of the structural elements of claim 10. Accordingly, withdrawal of the rejection to claim 10 is respectfully requested.

The rejection to claim 9 is also improper and its withdrawal is also requested since there is no motivation to combine the references as proposed in the Office Action and since, even if the combination could be made, the resulting structure does not satisfy claim 9. That is, Farris discloses a roller 48 that moves about a head and within a track 50, while Gehrke discloses an axial retaining member 12 that has flexible fingers that engage an inner race 14. The Office Action states that it would have been obvious to provide the wheel opening of Farris with a plurality of fingers as taught by Gehrke, but makes no mention of how this combination could structurally be carried out to enable operation of the Ferris device as intended. There are a number of reasons why the proposed combination is improper. First, the Gehrke fingers 70 are part of a retaining member 12 and extend from an annular flange 48 that acts as a female coupling around a shaft 18 that acts as a male coupler. The roller 48 of Farris has only a female coupling in seat 68 and no male structure capable of receiving an annular flange such as flange 48. Additionally, even if it is assumed that one would have found it obvious to extend fingers from the seat 68 of Farris so that seat 68 itself becomes a radial flange, the fingers would extend away from the seat 68 just as the fingers 70 of Gehrke extend away from the annular flange 48. This would place any connection between the flanges and the spherical head 70 of Farris outside of the current extent of the seat 68. Such a structure would create a significantly weaker structure that would not function as intended by

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Farris. Further, the fingers 70 of Gehrke are biased, radially outwards around the annular flange 48 to apply a radially outward force creating a situation wherein the fingers 70 of Gehrke become a male coupling within the female coupling end of the inner race 16. So even if one of ordinary skill somehow provided the fingers 70 of Gehrke to the roller 48 of Farris, there are no corresponding female coupling members on the head 70 of Farris to receive the radially outwardly biased fingers and no motivation to provide such a female coupling mechanism to the head 70 of Farris. Still further, the fingers 70 of Gehrke act as an "axial retainer," and providing such axial retention to the roller 48 would necessarily replace the spherical seat 68 with the fingers 70. However, the fingers 70 of Gehrke provide only "axial" support and do not provide any radial support, which is inherently necessary in the connection between the roller 48 and the spherical head 70 of Farris. Therefore, when it is considered how one of ordinary skill might go about providing the fingers 70 of Gehrke to the roller 48 of Farris, it is evident that the fingers 70 of Gehrke cannot be combined with the roller 48 of Farris since there is no proper motivation to do so and since it is either not structurally possible to do so or doing so destroys the intended purpose of the roller 48 of Farris. Accordingly, claims 9 and 10 are allowable.

Claims 1 and 5 have been amended to include that the wheel includes a hub portion formed of a first material and a tire portion formed of a second material. None of the prior art of record disclose or suggest such a structure as now claimed. Accordingly, claims 1 and 5 are allowable over the prior art of record.

The remaining claims, including new claims 15-21 depend from and further limit an independent claim that is allowable as set forth above and is similarly allowable.

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Respectfully submitted,

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